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*2. Records of the Settlers at the Head of the French Broad River,
1793-1803.*

IN one of the early issues of the REVIEW (II. 691-693) certain records of conventions or public meetings of an isolated settlement in southern Indiana in 1785 and 1787 were printed, as illustrative of the manner in which frontier American communities have spontaneously generated and maintained some sort of governmental organization, sufficient to suppress disorder and to protect the rights of their members. Other illustrations of the manner in which this process has been effected by communities outside the pale of regular government have been printed elsewhere.¹ The artless record printed below is still another monument of this tendency, having some interesting peculiarities due to the circumstances which seemed to place the community in question outside the jurisdiction of any formal government then existing. The paper was found by Dr. Edmund C. Burnett, filed with papers in the boundary case between Georgia and South Carolina, in the office of the Secretary of State at Atlanta. The date June 30, 1803, has been written at its beginning but is perhaps the date of presentation to Governor Milledge.

The settlers whose rudimentary records are here printed represent themselves as seated in a district south of the southern boundary of North Carolina and north of the line which marked the southward boundary of the cession made by South Carolina to the United States in 1787. The former line, it was well understood, should be the parallel of 35° north latitude. The latter was understood to run westward from the head of the north branch of the Tugaloo River. It had been so fixed in the agreement with Georgia made at Beaufort in 1787, and South Carolina's cession of that year to the United States had been understood to consist of the long strip extending westward to the Mississippi between these two lines, thought of as parallel lines some twelve miles apart. In reality the head of the north branch of Tugaloo River lies north of the true parallel of 35°. But that parallel, the southern boundary of North Carolina, was then understood to run some twelve miles farther north than it actually runs according to its true position.

These settlers on the head waters of the French Broad, dwelling in what is now Transylvania County, North Carolina, accordingly supposed themselves to be in the east part of the strip lately ceded by South Carolina to the United States, the eastern boundary of which was the top of "the ridge or chain of mountains which divides

¹ See Professor Turner's remarks in this REVIEW, I. 78.

the eastern from the western waters". Hence their belief that they were in no jurisdiction, and their attempt to organize for the protection of their interests.

The survey of November 14, 1797, alluded to in the entry under October, 1798, was that which, in accordance with the Cherokee treaty of July 2, 1791, was carried out in the late summer and autumn of 1797 by General Andrew Pickens as United States commissioner.² A letter of Pickens printed in the *American State Papers*³ shows that he made the North Carolina boundary line run north of these settlers and the Indian boundary (of the Hopewell treaty of 1785) east of them. He reports the settlement to consist of forty or fifty families.

The entry under January, 1799, must be wrongly dated, by the mistake so frequently made in January, and should be January, 1800, for Captain Butler's survey, under the Tellico treaty of October 2, 1798, took place in the summer of 1799, as is shown by Pickens's letter just mentioned.⁴ Captain Butler ran his line from the Great Iron Mountain considerably south of southeast, and quite to the west of the district in question. If his line had been accepted,⁵ the settlers would have been on land purchased from the Indians. Their memorial of January 8, 1800, praying to be ceded to South Carolina, may be seen in the *American State Papers*,⁶ signed by "Matthew Patterson and others". The committee to whom the memorial was referred by the House of Representatives reported in favor of such a cession,⁷ but no action was taken.

The last entry in the document shows that the settlers supposed themselves to come within the terms of the agreement between the United States and Georgia of April 24, 1802, in which the United States ceded to Georgia all lands "lying within the United States, and out of the proper boundaries of any other state, and situated south of the southern boundaries of the states of Tennessee, North Carolina, and South Carolina, and east of the boundary line hereinbefore described as the eastern boundary of the territory ceded by Georgia to the United States". But when the southern boundary line of North Carolina received its final adjustment, these settlers must have been found to be within the boundaries of the latter state.

² *Fifth Annual Report of the Bureau of American Ethnology* (Washington, 1887), p. 168 (Royce's *The Cherokees*).

³ *Public Lands*, I. 103-104.

⁴ See also *Fifth Report of the Bureau of American Ethnology*, p. 181. All the lines of surveys are shown on the map accompanying this report.

⁵ *Ibid.*, pp. 181-183.

⁶ *Public Lands*, I. 104.

⁷ *Ibid.*, I. 103.

June 30th 1803.

Head of freanch Broad river 1793 south of North Carolina and North of South Carolina seated⁸ line to the united states. A meetting on other accations whareas we are setting on land under the presant circumstance no state can give us rights to it nor take us under jurisdiction untill generel goverment shall put us in some State tharefore we think it good for us to adapt some Rules of Civillisation As near agreeable to law as may Be as we belong Eaqually to Every state Resolved that we will not enter survey nor take out rights in any state untill generel goverment shall impower some one state to give us grants that we will not Rent Leas nor purches any such fraudulent titles from any other person what ever and that we will Do our Best indeavour to Defend generel goverment.

Head of freanch Broad river at a meetting 1794 Whareas some of the Lore⁹ order of Indians have Been in trading thair Baskets and have told us that this land we live on Belongs to them therefore we think it good to send a man to Enquire of the Cheifs for the truth of it and if so to ask leave to Continue our settlement untill the[y] sell it to Congress. The Result of the Indian Council is that we are their peaople and to Continue on the land.

At a meetting in 1795 Whareas it is known that the Indians have gave us liberty to Continue on the land Sundry Designing men from North Carolina have shown us grants for the land we live on which is Dated long Before our settling here which the[y] hed Obtained By fraud and fauls return of survey from the state of North Carolina for Indian Land to which we Do hereby Resolve not to submit to But by Due Cours of law

1796 Whareas Congress have passed a law to Remove all white peapole of the Indian land¹⁰ Be it Resolved that Reuben Allen Be and he is hereby appointed to go out and Call the Cheifs of as mennys towns as he Can collect to geather in Council and Enquire if the[y] mean to Complain to the presedent a gainst us setlers. At a meeting after the Return of Mr Allen with the result of the Indian Council which is that you must not Be turned of if you keep the pease and not hurt us when we come in to hunt But we Do not want any more to Come their But we setlers find By woful Experience that these land holders have Allready Brought five unjust and vexatious Suits a gainst us tharefore we think it good for us to hire a mathimetition to show us whare the thirtyfifth Degree of North latitud will pass our settlement which is the south Boundery of North Carolina claimed By the Constitution and public laws of that state which we trust will amount to a positive against these unjust Claims.

Head of freanch Broad river October 1798 at a generel meetting Whareas of the fourteenth Day of November Last the Indian line was plainly ascertained and Distinctly marked round our settlement Which have put the nearest of us who Content against those fraudulent and unjust Claims about one mile and half on Iindian Land and as horse stealling has Been somuch Complained of in the ajessent states around us we think it good for us to appoint three men as Near on the Leading rodes through our setlement as may Be Mathew patterson Richard Williamson William Allen you are here By appointed to Exammin all

⁸ Ceded.

⁹ Lower.

¹⁰ Act of May 19, 1796, sect. 5. *U. S. Statutes at Large*, I. 470.

travellers as well those that attempt to settle as those that pass through aspicily¹¹ those that Enquire the way to fains and if the Do not support a reasonable carecter to take them Back the way the Come to the first justice for furder Examination acording to Law and hinder if possible any more from setling here in open violation of the Law of the united States

Janeary 1799 [1800] Whareas the Indian line was run above our settle-
ment By Captain Butler Last Summer we have some hope that the Land
is purchesed on which we have setled therefore we think it good to
petition to Congress to annex us to some one state and as we are in the
antient Limits of South Carolina we wish to be Reseated¹² Back to that
state.

October 1802 Whareas we find that Congress has seaded us to the
State of Geaorgia therefore we think it good to petition the Generel
Assembly of this State to Do to and for us as in their Wisdom think
Best.

Richard Williamson	Mathew Patterson
Ruben Allen	Benjamin Olliver
William Allen	peter Oens
George Welleimson?	John pendergrass
Samuel deves Son William Son	George Glesnar
James Williamson	
James Allene	
James Allen	
Robert Lee	
Joseph Beezley	

[Addressed:] State of Geaorgia

Jeffeson County Lewesvilly¹³

To his Excellency the Governor John Milledge.

3. *The First American Discoveries in the Antarctic, 1819.*

THE South Shetland islands were first discovered by Dirk Ger-
ritsz in 1598. In 1819 they were rediscovered by an Englishman,
William Smith of Blyth. On February 19 and 20, while sailing
from Montevideo to Valparaiso, he saw land there. On October 15
of the same year, while again sailing from Montevideo to Valpa-
raiso, he saw the land in lat. 62° 30' S., long. 60° W., and landed
a party which planted the Union jack and took possession for Great
Britain.¹ For an independent discovery by Americans a few months
later, the only authority hitherto seems to have been Edmund Fan-
ning, who in his *Voyages around the World* (New York, 1833)²
states that the *Hersilia* of Stonington, Connecticut, Captain James
P. Sheffield, visited the islands in February, 1820, and began there

¹¹ Especially.

¹² Receded or retroceded.

¹³ Louisville in Jefferson County was then the capital of Georgia.

¹ The authoritative account is in the *Edinburgh Philosophical Journal*, III.